

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Cascade Designs, Inc.,

Plaintiff,

No.

V.

Thunder Box, Inc.
d/b/a Sea to Summit, Inc.,

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff Cascade Designs, Inc. (“Cascade”), states the following facts in support of its Complaint against Thunder Box, Inc. d/b/a Sea to Summit, Inc. (“Sea to Summit”) for infringement of U.S. Patent No. 7,480,952 (“the ‘952 Patent”), entitled “Inflatable Body With Independent Chambers and Methods for Making the Same.”

THE PARTIES

1. Plaintiff Cascade is a corporation organized and existing under the laws of Washington and having its principal place of business in Seattle, Washington.

2. Upon information and belief, Sea to Summit is a corporation organized and existing under the laws of Colorado and having its principal place of business in Boulder, Colorado.

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JURISDICTION AND VENUE

3. This civil action arises under the Patent Laws of the United States, 35 U.S.C § 1, *et. seq.* Accordingly, this Court has original subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Sea to Summit is subject to this Court's personal jurisdiction pursuant to due process and the Washington Long Arm Statute, having sold the infringing product in the District.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

THE PATENT-IN-SUIT

6. The '952 Patent is entitled "Inflatable Body With Independent Chambers and Methods for Making the Same." On January 27, 2009, the United States Patent Office issued the '952 Patent after full and fair examination. A true and correct copy of the '952 Patent is attached hereto as **Exhibit A** and incorporated herein by reference. The '952 Patent is valid and enforceable.

7. Cascade is the owner of the entire right, title, and interest in and to the '952 Patent, and has the exclusive right to sue for infringement and recover damages for all past, present, and future infringement.

8. The '952 Patent claims a unique design for an inflatable body, such as an air mattress.

9. The '952 Patent uses a two chambered design where the inflatable body has two internal chambers that are separated from each other by an intermediate panel.

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10. The design of the '952 Patent allows the chambers to function independently from each other. This allows each chamber to be inflated to different degrees and prevents a puncture in one chamber from affecting the other chamber.

FACTUAL BACKGROUND

11. Cascade, a private, family-owned company, was founded in 1972 by engineers who were also avid backpackers. Throughout its existence, Cascade has been a leader and innovator in the field of outdoor recreation products.

12. Because of its dedication to engineering and innovation, Cascade devotes substantial resources to developing new intellectual property.

13. Cascade offers almost 1,000 individual products, many of which provide innovative solutions to help consumers enjoy outdoor activities. Cascade product lines include the world famous Therm-A-Rest® brand of sleeping mats, among many other products.

14. Upon information and belief, Sea to Summit was founded as an Australian company before opening a branch in the United States.

15. Sea to Summit offers products that compete with many different Cascade products.

16. Among the products Sea to Summit offers is the “Comfort Plus Insulated Mat.”

17. Sea to Summit advertises that its Comfort Plus Insulated Mat has two “independent chambers” that “allow the mattress to function even if one of the layers is punctured.”

18. Sea to Summit also advertises that the "two layers can be pressurized independently."

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19. This two layer design was first disclosed by Cascade in the '952 Patent years before Sea to Summit ever sold its Comfort Plus Insulated Mat.

20. Sea to Summit advertises its Comfort Plus Insulated Mat as the Editors' Choice 2015 award winner from Backpacker.

21. Just as claimed in the '952 Patent, the Comfort Plus Insulated Mat contains two outer major panels along with an internal intermediate panel that all have fluid impervious properties. These panels form two chambers within the Comfort Plus Insulated Mat. A picture taken from Sea to Summit's website showing the internal structure of the Comfort Plus Insulated Mat is attached as **Exhibit B**.

COUNT I: INFRINGEMENT OF U.S. PATENT No. 7,480,952

22. Cascade incorporates by reference the allegations in the paragraphs above.

23. Sea to Summit is directly infringing at least Claim 1 of the '952 Patent by making, using, offering for sale, or selling products that infringe the '952 Patent, including, but not limited to, Sea to Summit's "Comfort Plus Insulated Mat".

PRAYER FOR RELIEF

WHEREFORE, Cascade Designs, Inc. respectfully requests this Court to:

A. Enter judgment that the '952 Patent was duly and legally issued, is valid, enforceable, and has been infringed by Defendant Sea to Summit;

B. Award Cascade damages, in an amount to be determined at trial, together with interest and costs as fixed by this Court;

C. Grant Cascade such other and further relief as this Court deems just and proper.

JURY DEMAND

Under Rule 38 of the Federal Rules of Civil Procedure, Cascade requests a trial by jury of

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1 any issues so triable by right.

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3 DATED this 18th day of June, 2015.

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5 *s/Douglas A. Grady*

6 *s/Richard Thomas Black*

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11 Attorneys for Plaintiff Cascade Designs, Inc.

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